

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CR-02-70-D
)	
EUGENE ISIAH ROBERTS,)	
)	
Defendant.)	

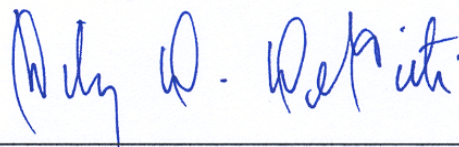
ORDER

Defendant, who appears *pro se*, has filed a “Motion to Reconsider Motion Pursuant to Fed. R. Civ. P. 15(c)” [Doc. No. 183]. Defendant asks the Court to revisit a post-judgment motion that was denied September 30, 2014, for lack of jurisdiction.

Assuming the Federal Rules of Civil Procedure apply, as urged by Defendant, his Motion to Reconsider would be governed by Rule 59(e). The grounds for granting relief under Rule 59(e) “include (1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error or prevent manifest injustice.” *See Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000); *see also Phelps v. Hamilton*, 122 F.3d 1309, 1324 (10th Cir. 1997). A Rule 59(e) motion may be “appropriate where the court has misapprehended the facts, a party’s position, or the controlling law.” *Servants of Paraclete*, 204 F.3d at 1012. Plaintiff’s Motion presents no proper basis for relief from the September 30 Order.

IT IS THEREFORE ORDERED that Defendant’s Motion to Reconsider [Doc. No. 183] is DENIED.

IT IS SO ORDERED this 17th day of October, 2014.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE